

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

MARIA VELASQUEZ

V

COMMONWEALTH EDISON COMPANY

Complaint as to billing/charges)
in Plainfield, Illinois.)

Chicago, Illinois
December 3, 2015

Met pursuant to notice at 1:00 p.m.

BEFORE :

MR. TERRANCE HILLIARD, Administrative Law Judge.

APPEARANCES :

MS. MARIA VELASQUEZ
22025 West Lakeland Trail
Plainfield, Illinois 60544
appeared pro se;

MS. REBECCA GRAHAM
115 South LaSalle Street
Suite 2600
Chicago, Illinois 60603
appeared for the Respondent;

1 APPEARANCES: (Cont'd.)

2

3 MR. MARK L. GOLDSTEIN
4 3019 Province Circle
5 Mundelein, Illinois 60060
6 appeared for the Respondent.

7

8 ALSO PRESENT:

9 MR. AARON JIMENEZ,
10 Representative from ComEd

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21 SULLIVAN REPORTING COMPANY, by
22 Teresann B. Giorgi, CSR
084-000977

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| 1 | | <u>I N D E X</u> | | | | |
| 2 | | | | | | |
| 3 | <u>Witnesses:</u> | <u>Nar.</u> | <u>Dir.</u> | <u>Crx.</u> | <u>Re-</u> <u>dir.</u> | <u>Re-</u> <u>crx.</u> |
| 4 | Maria Velasquez | 11 | | | | |
| 5 | Marilyn Widmer | | 32 | 48 | | |
| 6 | | | | | | |
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| 8 | | | | | | |
| 9 | | <u>E X H I B I T S</u> | | | | |
| 10 | <u>COMPLAINANT'S</u> | <u>FOR IDENTIFICATION</u> | | | <u>IN EVIDENCE</u> | |
| 11 | 1 | | 15 | | ---- | |
| 12 | 2 | | 27 | | ---- | |
| 13 | <u>RESPONDENT'S</u> | | | | | |
| 14 | 1 | | 8 | | ---- | |
| 15 | 2 | | 8 | | ---- | |
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1 (Whereupon, Respondent's
2 Exhibits 1, 2 and 3 were
3 marked for identification.)

4 JUDGE HILLIARD: On behalf of the Illinois
5 Commerce Commission, I call Docket 15-490, Maria
6 Velasquez versus Commonwealth Edison Company.

7 Can the parties, beginning with the
8 Company, identify yourselves for the record, please.

9 MS. GRAHAM: On behalf of Commonwealth Edison
10 Company, Rebecca Graham, 115 South LaSalle Street,
11 Suite 2600, Chicago, Illinois 60603. My telephone
12 number is 312-505-8154.

13 MR. GOLDSTEIN: Also for Commonwealth Edison
14 Company, Mark Goldstein, 3019 Province Circle,
15 Mundelein, Illinois 60060. My telephone number is
16 847-949-1340.

17 And with us this afternoon is
18 Aaron Jimenez of ComEd.

19 JUDGE HILLIARD: Okay. Mrs. Velasquez -- is it
20 Ms. or Mrs.?

21 MS. VELASQUEZ: Ms.

22 JUDGE HILLIARD: Ms. Velasquez, can you identify

1 yourself for the record.

2 MS. VELASQUEZ: Maria Velasquez and
3 I live at 22025 Lakeland Trail, and that's
4 in Plainfield, Illinois 60544.

5 JUDGE HILLIARD: Okay.

6 MS. VELASQUEZ: I'm just alone. And I don't
7 need an attorney and I don't need -- because I feel
8 strongly about what happened.

9 JUDGE HILLIARD: Okay. The procedure that we
10 follow here is that it's the Complainant's, which is
11 you in this case, burden to go forward and present
12 evidence in support of your complaint. And then
13 after you've said what you want to say and after
14 you've introduced whatever documents you have that
15 you think are important to your case, then the
16 Company can ask you questions. That's called
17 cross-examination.

18 MS. VELASQUEZ: Sure.

19 JUDGE HILLIARD: All right. And then, if you
20 don't have any other witnesses, when you're through
21 with the part of the case that you want to put on,
22 then you just tell us that's what you've got --

1 that's your case. And then the Company has their
2 opportunity to put their case on and they can call
3 witnesses and they can introduce documents, just the
4 same way you can, and then you're entitled to
5 cross-examine them.

6 But for people who don't do this for a
7 living, you have to -- your comments are supposed to
8 be in the form of questions to the people and you
9 have to let them answer. Okay?

10 MS. VELASQUEZ: Okay.

11 JUDGE HILLIARD: I'm Judge, and if somebody
12 makes an objection or if there's a disagreement,
13 it's my job to rule on those sorts of things. Okay?

14 MS. VELASQUEZ: Okay.

15 JUDGE HILLIARD: So everybody who's going to
16 testify in this proceeding, I'd like you to raise
17 your hand to be sworn in.

18 (Witnesses sworn.)

19 JUDGE HILLIARD: Okay. Proceed. Tell us about
20 your complaint.

21

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1 MARIA VELASQUEZ,
2 called as a witness herein, and after having been
3 first duly sworn, testified in the narrative as
4 follows:
5 MS. VELASQUEZ: Okay. The complaint is that in
6 May I received a high meter reader (sic), or
7 whatever you want to call it, for the amount of
8 \$448, or something like that, and I said to myself,
9 Well, you know, if I get this form (indicating),
10 that means I pay it and that's that.
11 Okay, now --
12 JUDGE HILLIARD: You're referring to -- is it a
13 bill?
14 MS. VELASQUEZ: Yeah.
15 JUDGE HILLIARD: And it's a bill for what period
16 of time? For what address? Who's it addressed to?
17 MS. VELASQUEZ: It's addressed to Maria
18 Velasquez and it's --
19 JUDGE HILLIARD: For your home?
20 MS. VELASQUEZ: Yes.
21 JUDGE HILLIARD: All right. And what's the date
22 of the bill?

1 MS. VELASQUEZ: From 10-24-15 through 11-24-15.
2 And it was --
3 JUDGE HILLIARD: So, is that your most recent
4 bill?
5 MS. VELASQUEZ: Yes.
6 JUDGE HILLIARD: Okay.
7 MS. VELASQUEZ: And I --
8 JUDGE HILLIARD: All right. Are you going to
9 want to make that part of the record here?
10 MS. VELASQUEZ: Yes.
11 89.59. And prior to that I got a bill
12 for \$88. So, I'm talking about the winter. I'm
13 telling everybody here that I don't use that much --
14 JUDGE HILLIARD: Electricity.
15 MS. VELASQUEZ: -- electricity.
16 JUDGE HILLIARD: All right. Any documents that
17 you want to make part of the record, you need to
18 make three copies of.
19 MS. VELASQUEZ: Okay.
20 JUDGE HILLIARD: So, when we're through with
21 your part of the presentation, then we'll take a
22 little break and we'll make copies of your documents

1 for you.

2 We'll call that one Exhibit --

3 Complainant's Exhibit 1.

4 Why don't you pass this over.

5 MS. VELASQUEZ: I don't know if this is the full
6 thing or if it's folded (tendering).

7 JUDGE HILLIARD: Now, I'm going to stamp it and
8 you're going to have to fill it out. You're going
9 to have to write in there -- the reporter is going
10 to mark this as Complainant's Exhibit 1.

11 Maybe do it now.

12 MR. GOLDSTEIN: Judge, just for the record,
13 we're going to object to the admission of the
14 exhibit. If you look at the complaint that
15 Ms. Velasquez filed, what she is complaining about
16 is billing from December 2014 through about a
17 5-month period thereafter.

18 Putting this bill into the record just
19 confuses the record and it's outside the record.
20 And what she's really complaining about is extra
21 billing in a period of time between December 2014
22 and May 2015. That's quite clear from her

1 complaint. To put in billing and now complain about
2 high bills that occurred after --

3 MS. VELASQUEZ: In general --

4 MR. GOLDSTEIN: -- is totally improper.

5 JUDGE HILLIARD: All right. Your objection is
6 overruled.

7 He's objecting to the relevance of
8 that bill to your dispute. But because you're here
9 by yourself, I'm going to give you a little latitude
10 even though this is a current bill and it doesn't
11 relate to the period of time in question.

12 So, we're going to mark this as an
13 exhibit. And at the conclusion of your case, I'm
14 going to rule upon whether or not this document, or
15 any other documents you might have, are admissible.

16 MS. VELASQUEZ: Okay.

17 JUDGE HILLIARD: Okay?

18 Now, we'll give the court reporter a
19 break to mark Complainant's Exhibit 1, for the
20 record. Okay?

21 MS. VELASQUEZ: Okay.

22

1 (Whereupon, Complainant's
2 Exhibit No. 1 was marked
3 for identification.)
4 JUDGE HILLIARD: Now you can continue.
5 MS. VELASQUEZ: The last time I was here I was
6 told that if I can get some people in here -- I was
7 planning to and they were planning to come. I had
8 gotten the information (tendering) --
9 JUDGE HILLIARD: These are the names of people
10 that aren't here?
11 MS. VELASQUEZ: That actually were in my
12 situation. They are also very upset that this
13 happened from ComEd.
14 JUDGE HILLIARD: Have these people filed a
15 complaint?
16 MS. VELASQUEZ: No.
17 They were very upset.
18 JUDGE HILLIARD: I'll let you read their names
19 and addresses into the record, but since they're not
20 here, we don't know what it was --
21 MS. VELASQUEZ: But they were here the last time
22 that he couldn't make it (indicating).

1 MR. GOLDSTEIN: They were?

2 MS. GRAHAM: No.

3 JUDGE HILLIARD: Well, they're not here now,
4 ma'am. Why don't you read their names and addresses
5 on the record.

6 MS. VELASQUEZ: Okay. I have Laura Oberg
7 (phonetic) at 22008 West Lakeland Trail.

8 Then I have Stephania Villiger,
9 22032 West Lakeland, and that's in my neighborhood.

10 And then Gilbert Tovado (phonetic),
11 2245 (sic) West Lakeland Trail.

12 And all of them have telephone
13 numbers. I'm sorry I didn't give it to you right
14 away.

15 And then a strange thing came about, I
16 went -- I have a circle in my neighborhood and I
17 went to this address at 1403 and the lady opened the
18 door -- I'm sorry, let me go back -- 14031 Largo,
19 that's, L-a-r-g-o, Circle. And she goes, I
20 cannot -- she was rude. She goes, I cannot come in
21 with you because I am investigating all these
22 employees from ComEd that are doing some very bad

1 things that are you know, doing this and doing that.
2 And she was upset.

3 JUDGE HILLIARD: All right. Now you've got to
4 limit your presentation to your complaint. What
5 somebody else's -- what their problems are with
6 ComEd, that's not relevant to this complaint. Okay?

7 MS. VELASQUEZ: Okay.

8 JUDGE HILLIARD: So, you can't talk about what
9 she told you about other ComEd employees. All
10 right?

11 MS. VELASQUEZ: Then you don't want the channels
12 and investigations.

13 JUDGE HILLIARD: No.

14 MS. VELASQUEZ: Okay. That's fine.

15 Now, one of your ComEd meter reader --
16 I had told that I wanted the reading to be done and
17 I wanted the reading to be where I would be present.
18 And they said, Yes.

19 JUDGE HILLIARD: And who did you tell this to
20 and when did you tell them?

21 MS. VELASQUEZ: That was at the beginning when
22 they didn't know what was going on with me --

1 JUDGE HILLIARD: Beginning when, ma'am? What
2 day? What month?

3 MS. VELASQUEZ: I would say at the end of May or
4 June.

5 JUDGE HILLIARD: Of 2015?

6 MS. VELASQUEZ: Uh-huh.

7 JUDGE HILLIARD: Okay.

8 MS. VELASQUEZ: And he goes, Well, let me look
9 into it to see if --

10 JUDGE HILLIARD: Who's "he"? Who are you
11 talking to?

12 MS. VELASQUEZ: I'm talking to -- he was a vice
13 presi- -- vice -- vice something of the director.

14 JUDGE HILLIARD: Is this somebody you spoke to
15 on the telephone?

16 MS. VELASQUEZ: Uh-huh.

17 JUDGE HILLIARD: All right. And did you
18 initiate the call?

19 MS. VELASQUEZ: No -- well, he called me.

20 JUDGE HILLIARD: Okay.

21 MS. VELASQUEZ: All right. And he goes, Well,
22 I'm very happy that you called me and I'll have

1 somebody out there, a meter reader. And I said,
2 Yes, and I also would like to be there. And so, I
3 want somebody to call me or come in and knock at the
4 door so I can, you know, be there to see how the
5 meter was reading. And then -- because you don't
6 read the meter every month. You read it every two
7 months. And in between all that, I was kind of
8 worried about, you know, who was reading the meter.
9 And then they came and read the meter and they
10 didn't contact me. I waited for two days, the 25th
11 and the 26th.

12 So, then after that -- did you have
13 anything to do with this?

14 JUDGE HILLIARD: Ma'am, if you want to call him
15 as a witness, you can, but you haven't done that
16 yet.

17 MS. VELASQUEZ: Okay. I didn't see him at all.
18 Nobody told me that they were reading the meter.

19 And then after that, one of your -- I
20 got like two calls and they were telling me, you
21 know, they would like to talk to me about
22 negotiating something. And I said --

1 MR. GOLDSTEIN: Judge, this is totally
2 irrelevant to the complaint.

3 MS. VELASQUEZ: No, the complaint is --

4 MR. GOLDSTEIN: You know, she can talk forever,
5 if you want her to, but --.

6 JUDGE HILLIARD: No, we're going to --

7 MR. GOLDSTEIN: -- let's get to the basis of the
8 complaint.

9 JUDGE HILLIARD: I think she's telling the story
10 in the way she can. And that she doesn't have legal
11 training, I'm going to give her certain amount of
12 latitude.

13 MR. GOLDSTEIN: Right.

14 JUDGE HILLIARD: So, you need to confine your
15 presentation --

16 MS. VELASQUEZ: Okay.

17 JUDGE HILLIARD: -- to facts that are relevant
18 to your complaint.

19 If this is a conversation you had with
20 somebody after you filed your complaint about
21 settling your complaint, that really doesn't matter.
22 What matters is, what are you complaining about?

1 MS. VELASQUEZ: Okay. I got a call saying that
2 they wanted to come in and talk to me and so forth
3 and so on. And I went -- I said, That's fine. It
4 comes to be a ComEd employee -- employer. And he
5 goes, Yeah, this person that was a meter reader
6 really messed up a lot of people, very angry people.
7 And they should be paying -- ComEd should be paying
8 all this, not you, because of disgruntled --
9 whatever you want to call it, the person that was
10 doing nothing for ComEd. The meter reader is the
11 one that got fired.

12 And I said, Well, you know, that was
13 not my fault. It's the fault of ComEd not
14 understanding that it has to be paid. It has to be
15 paid. You know, if -- liable is the guy that got
16 fired. And that was from ComEd.

17 JUDGE HILLIARD: Do you know the name of the
18 person that spoke to you?

19 MS. VELASQUEZ: No, but I can find --

20 JUDGE HILLIARD: This is your hearing. This is
21 when you're supposed to tell us about that person.

22 MS. VELASQUEZ: At the time I couldn't

1 understand what had happened, but he told me and I
2 didn't -- see, he didn't have a badge on him. He
3 did have a cap -- he looked like he was a senior
4 person, a meter reader.

5 JUDGE HILLIARD: All right. But you don't know
6 his name.

7 Do you know when this took place?

8 MS. VELASQUEZ: Right around five days or six
9 days after I made the complaint.

10 JUDGE HILLIARD: To the Commerce Commission?

11 MS. VELASQUEZ: Uh-huh.

12 JUDGE HILLIARD: Okay. And you made your
13 complaint to the Commerce Commission on August 27th
14 of 2015? That's what it says here.

15 MS. VELASQUEZ: Uh-huh.

16 JUDGE HILLIARD: All right. Okay. What else?

17 MS. VELASQUEZ: The person had said that ComEd
18 was so stingy with so much money that they want the
19 public to pay for it.

20 JUDGE HILLIARD: All right. What is your
21 complaint, ma'am? What are you complaining --

22 MS. VELASQUEZ: I'm not going to pay the money.

1 JUDGE HILLIARD: What money are we talking
2 about?

3 MS. VELASQUEZ: I'm talking about the money that
4 you put -- added to my --

5 JUDGE HILLIARD: I didn't add anything. I work
6 for the Commerce Commission.

7 MS. VELASQUEZ: No, the amount that was added to
8 my -- ComEd added 480 something dollars.

9 JUDGE HILLIARD: When was that added?

10 MS. VELASQUEZ: In May.

11 JUDGE HILLIARD: 2015?

12 MS. VELASQUEZ: Yes.

13 JUDGE HILLIARD: And do you know what period of
14 time the bill is for?

15 MS. VELASQUEZ: It was for January -- I don't
16 know if it was January or December. January -- you
17 can look. You're looking now. It's January --

18 JUDGE HILLIARD: The difference between what you
19 should have paid and when your bill began in what,
20 maybe January of 2015?

21 MS. VELASQUEZ: Yeah, somewhere in that area.

22 JUDGE HILLIARD: And it continued until when?

1 MS. VELASQUEZ: April.

2 JUDGE HILLIARD: April of 2015?

3 MS. VELASQUEZ: Uh-huh.

4 JUDGE HILLIARD: And the reason that they sent
5 you this bill for more money is -- what explanation
6 did they give you?

7 MS. VELASQUEZ: They didn't.

8 JUDGE HILLIARD: Never? There's no explanation
9 given?

10 MS. VELASQUEZ: No.

11 JUDGE HILLIARD: All right. When you talked to
12 these people from ComEd, did anyone give you an
13 explanation?

14 MS. VELASQUEZ: Yes, that's what I explained to
15 you.

16 JUDGE HILLIARD: Well, that's what I asked you.
17 What explanation did they give you?

18 MS. VELASQUEZ: They told me that there was a
19 disgruntled employee and he didn't do his job and
20 that they're blaming you for not, you know -- for
21 the amount of the higher price that they gave me.

22 JUDGE HILLIARD: Was this a meter reader?

1 MS. VELASQUEZ: Uh-huh.

2 JUDGE HILLIARD: And the meter reader made a
3 mistake?

4 MS. VELASQUEZ: Right.

5 JUDGE HILLIARD: And he -- what? Did he under-
6 record your --

7 MS. VELASQUEZ: Yes -- well, I don't --

8 JUDGE HILLIARD: -- meter reading?

9 MS. VELASQUEZ: I don't know if he under-
10 recorded it. All I say is that I balance my
11 finances. And I take care of my bills the way I
12 should.

13 I mean, I get the gas company, they
14 charge me \$22. The most is \$32. And I pay it.
15 Like I pay --

16 JUDGE HILLIARD: All right. What do you
17 normally pay the electric company?

18 MS. VELASQUEZ: Like I (indicating) --

19 JUDGE HILLIARD: \$87?

20 MS. VELASQUEZ: Uh-huh.

21 JUDGE HILLIARD: All right. And what were your
22 bills -- and you got a bill for how much money?

1 MS. VELASQUEZ: Right now it's like 600. And
2 they stopped charging me and they weren't sending me
3 any bills. So, I said to myself, Let me start
4 paying something. I paid, I think, 200 and I paid
5 100 and another 129. And then now they're starting
6 to send bills.

7 JUDGE HILLIARD: Okay. Do you know how much
8 they say you owe now?

9 MS. VELASQUEZ: Right now 588.

10 JUDGE HILLIARD: And how much of that are
11 current charges?

12 MS. VELASQUEZ: I would say 100 and something,
13 the difference.

14 JUDGE HILLIARD: So, this would be --

15 MS. VELASQUEZ: And the total would be, you
16 know -- if you want to look at it (tendering).

17 JUDGE HILLIARD: This says the current service
18 period total charges are \$79.43 and there are
19 charges from the previous bill of \$548.31 --

20 MS. VELASQUEZ: 500 --

21 JUDGE HILLIARD: -- and then they have -- you
22 can't talk when I'm talking. You have to wait. She

1 can't take down two people speaking at the same
2 time.

3 And that there are, as of the time of
4 this bill, which is November 25th of 2015, \$50.81 in
5 late payment charges.

6 Okay. What else do you want to tell
7 us?

8 MS. VELASQUEZ: Here. Take this and show him
9 (tendering). You can see my address.

10 JUDGE HILLIARD: Do you want to mark this as an
11 exhibit?

12 MS. VELASQUEZ: Yes.

13 JUDGE HILLIARD: All right. This is a ComEd
14 Energy Efficiency Program Report -- Home Energy
15 Report for the period July 28th, 2015, to
16 September 25th, 2015. And we'll mark this as
17 Complainant's Exhibit 2.

18 (Whereupon, Complainant's
19 Exhibit No. 2 was marked
20 for identification.)

21 JUDGE HILLIARD: All right. The point of that
22 document is that your -- what? That your usage is

1 what?

2 MS. VELASQUEZ: It's a lot less than what
3 they're assuming that I had. Okay.

4 JUDGE HILLIARD: All right. Now, as I
5 understand your complaint, for a period of time, at
6 the end of 2014 and into the first few months of
7 2015, you were under-billed for some reason.

8 MS. VELASQUEZ: No, I was not under-billed. I
9 just paid my money to the statements --

10 JUDGE HILLIARD: You paid the bills that they
11 sent you --

12 MS. VELASQUEZ: Right.

13 JUDGE HILLIARD: -- but then they sent you an
14 amended bill for more money, right?

15 MS. VELASQUEZ: Right.

16 JUDGE HILLIARD: All right. And their
17 explanation of that is that the meter readings were
18 incorrect and that your charges should have been
19 more, is that right?

20 MS. VELASQUEZ: No.

21 JUDGE HILLIARD: That isn't their explanation?

22 MS. VELASQUEZ: The explanation is that you had

1 somebody in ComEd that was not doing his job. If he
2 had, he would have given me the right amount of --

3 JUDGE HILLIARD: But they didn't give you the
4 right amount.

5 MS. VELASQUEZ: No.

6 JUDGE HILLIARD: And what they said is that in
7 May of 2015 --

8 MS. VELASQUEZ: I compiled everything that
9 wasn't supposed to -- that I was supposed to pay.
10 And that's not fair for me because it's not right
11 that they can do that to me.

12 JUDGE HILLIARD: All right. I'm trying to
13 understand your complaint.

14 MS. VELASQUEZ: Okay.

15 JUDGE HILLIARD: All right. The way I
16 understand your complaint is that they sent you
17 bills, but then later on they told you those bills
18 were not accurate and that you owed them more money,
19 is that right?

20 MS. VELASQUEZ: Correct.

21 JUDGE HILLIARD: What else do you want to tell
22 me?

1 MS. VELASQUEZ: That it was very difficult for
2 me to come out and pay 500 and -- almost \$500 in one
3 month. Uhn-uhn. It doesn't work that way.

4 JUDGE HILLIARD: Okay. What else?

5 MS. VELASQUEZ: That's what I can say. I need
6 to know the power numbers of how much you added into
7 my -- 50.86 -- 50, \$60 that I put in already,
8 original payments. I want to know how much you add
9 into it to make it what you -- what was put on me,
10 \$448, something like that.

11 JUDGE HILLIARD: Okay. Do you have anything
12 else you want to say? Because they'll talk about
13 how they got the numbers eventually.

14 MS. VELASQUEZ: Okay. No, I think that's about
15 it, other than one of the employees from ComEd said
16 that the reason why this has happened is because
17 this troubled employer (sic), whatever happened
18 there, he did not read the meters. And I said, But
19 that's not my fault. It's not my fault. It's
20 ComEd's situation because that was their employee.

21 And on top of that, they're saying
22 that it's my fault because -- or, no, they're not

1 saying -- they're saying it's the amount that you
2 have to pay. Okay? And I say, No, I didn't do it.
3 And Com- -- he goes, You're going to lose because
4 ComEd is super high million dollar company and you
5 are just nothing. And I said, No. And the
6 principle of the thing is that, you know, you can't
7 change time and decide to do time back, and add more
8 money. And that's the way I feel, is that, you
9 know, if you do something, do it right.

10 JUDGE HILLIARD: Okay. Is that all?

11 MS. VELASQUEZ: Yes.

12 JUDGE HILLIARD: So, the Company now -- I don't
13 know if they want to, but they can ask you questions
14 about what you had to say. Okay?

15 MS. VELASQUEZ: Okay.

16 MS. GRAHAM: ComEd has no questions, Judge.

17 JUDGE HILLIARD: All right. Then the way the
18 process works is that the Complainant has rested her
19 case --

20 MS. VELASQUEZ: Yes.

21 JUDGE HILLIARD: -- and they get to respond to
22 your case.

1 MS. VELASQUEZ: Right.

2 JUDGE HILLIARD: So, if they want to do
3 something, they can do that now.

4 Call your first witness.

5 MS. GRAHAM: Judge, we call Marilyn Widmer.

6 MS. WIDMER: Marilyn Widmer, 9932 South Sawyer
7 Avenue, Evergreen Park, Illinois, 708-499-1089.

8 JUDGE HILLIARD: I would note for the record
9 that Ms. Widmer has been previously sworn as a
10 witness.

11 Go ahead, Counsel.

12 MARILYN WIDMER,
13 called as a witness herein, and after having been
14 first duly sworn, was examined and testified as
15 follows:

16 DIRECT EXAMINATION

17 BY

18 MS. GRAHAM:

19 Q Ms. Widmer, what is your job title at
20 ComEd?

21 A I am a Senior Business Analyst in the
22 Customer Relations Department.

1 Q And can you please generally describe your
2 duties and responsibilities?

3 A Yes. I analyze customer inquiries or
4 complaints from different bureaus and our executive
5 staff.

6 Q Okay. I'm going to hand you what's been
7 marked as ComEd Exhibit No. 1 (tendering).

8 Can you please explain what this
9 document is?

10 A This is an activity statement of all of the
11 bills and payments received on Ms. Velasquez'
12 account.

13 Q What's the address listed as?

14 A 22025 West Lakeland Trail, Plainfield,
15 Illinois.

16 Q And what's the activity statement dated?

17 A November 21st of 2013 through November 24th
18 of 2015.

19 Q And is this a business record that's kept
20 in the ordinary course of business at ComEd, which
21 you have access to as part of your job?

22 A Yes, it is.

1 Q And what is the current balance on the
2 account, according to that document?

3 A The current total balance?

4 Q Yes.

5 A \$678.55.

6 Q Now I'm going to hand you what's been
7 marked as ComEd Exhibit No. 2 (tendering).

8 Can you please explain what that
9 document is?

10 A This is a meter reading history of the
11 account. It displays the meter reading; the meter
12 reading date; the type of reading obtained; the
13 meter reading; the usage; and if the account was
14 billed.

15 Q Okay. And are these business records kept
16 in the ordinary course of business at ComEd, which
17 you have access to as part of your job?

18 A Yes.

19 Q Okay. I want to draw your attention to the
20 line item that's dated 4-25-2015, 5-28-2015, and the
21 third column of that row, it says "regular company."
22 What does that mean?

1 A That means that an actual meter reading was
2 obtained on May 28th. It was 43215.

3 MS. VELASQUEZ: 43?

4 THE WITNESS: 43215 was the reading.

5 MS. GRAHAM: Q Okay. And what does that mean?

6 MS. VELASQUEZ: I have 1065.

7 MS. GRAHAM: You're looking at the wrong
8 document.

9 MS. VELASQUEZ: No, this is what you gave me.

10 THE WITNESS: It's right underneath that.

11 MS. VELASQUEZ: This is not mine. It's been
12 already stamped. I just want to let you know.

13 JUDGE HILLIARD: It's a Company document.
14 They're providing you with a copy so that you can
15 understand what they're saying.

16 MS. GRAHAM: Okay. So that Ms. Velasquez can
17 follow along --

18 JUDGE HILLIARD: Before we go ahead, I want you
19 to be able to look at the document, to the point
20 that they're referring to on the document.

21 MS. VELASQUEZ: Okay. Now, what date was that
22 again?

1 JUDGE HILLIARD: 4-25-15.

2 MS. VELASQUEZ: Okay.

3 JUDGE HILLIARD: Now, read across.

4 MS. VELASQUEZ: To 5-28-15, regular company at

5 412- --

6 JUDGE HILLIARD: No, 43215.

7 MS. VELASQUEZ: 43215, correct.

8 MS. GRAHAM: Q Okay. And, Ms. Widmer, can you

9 explain what that means?

10 A That means that the meter reading obtained

11 on May 28th was 43215. So, the last reading that

12 was obtained on April 25th for 39262 was

13 subtracted -- I'm sorry, 39612 was subtracted from

14 the 43215.

15 MS. VELASQUEZ: Why was it subtracted?

16 THE WITNESS: Because the meter reading --

17 the --

18 MS. GRAHAM: Judge --

19 MS. VELASQUEZ: She's talking to me.

20 MS. GRAHAM: Judge, can we explain the process

21 and --

22 JUDGE HILLIARD: See, she asks questions first,

1 and when she's through asking questions, then you
2 ask questions. That's called direct examination and
3 cross-examination. So, don't ask questions until
4 she's through asking her questions.

5 You can make notes so that you can ask
6 the questions you want, but you can't interrupt.

7 MS. GRAHAM: Q So --

8 JUDGE HILLIARD: Wait. Let her get her pencil
9 out so she can make notes.

10 You've got a yellow pad down there on
11 the bottom of your --

12 MS. VELASQUEZ: Yes, I do.

13 JUDGE HILLIARD: -- pile. Okay.

14 MS. GRAHAM: Q Ms. Widmer, going back to the
15 4-25-2015 and the 5-28-2015 line items.

16 MS. VELASQUEZ: If you can hold on. Let me get
17 my notepad ready and let me get the -- I'm sorry. I
18 apologize.

19 MS. GRAHAM: Q So, Ms. Widmer, you said that
20 reading was 43215. So, how many kilowatt-hours was
21 Ms. Velasquez billed for that month?

22 A 3603.

1 Q Okay. So, then, looking at the line items
2 below that reading, for the months of December 2014
3 through April of 2015, the usage looks quite a bit
4 lower.

5 Can you explain why?

6 A Yes. From December 22nd of 2015 through
7 May 28th of 2015, the readings were read incorrectly
8 which billed much lower usage on the account. It
9 all caught up when we obtained the correct reading
10 on May 28th.

11 Q Can you explain how this type of
12 residential meter works?

13 A Yes. This is a kilowatt hour meter,
14 meaning it's a progressive meter. So, it's similar
15 to an odometer in your car. So, when you're
16 driving, the odometer is going to record mileage
17 much as the meter records usage as usage is
18 filtering through it.

19 And that's why I say, the way the
20 usage is calculated is the previous billed read is
21 subtracted from the current billed read and that's
22 how the monthly kilowatt-hours are displayed.

1 Q So, from these two documents, can you state
2 whether Ms. Velasquez used the electricity that she
3 was billed for?

4 A Yes. The electricity was used. And the
5 way I can prove that is that we have seven
6 progressive readings after the reading on May 28th.

7 Q So, from your review of these two
8 documents, can you tell whether Ms. Velasquez was
9 ever charged for electricity that she did not use?

10 A No, she was not.

11 Q Okay. Thank you.

12 I would like to draw your attention
13 now to the document that's been marked as ComEd
14 Exhibit No. 3 (tendering).

15 Can you explain what this is?

16 A Yes. I created this document and I used
17 the meter reading history in order to create it.
18 And the reason I did so is because I think it makes
19 it easier to understand.

20 The first column has the service date,
21 similar to the meter reading history. The second
22 column has the number of days in the billing cycle.

1 The third column shows the type of reading obtained.
2 The fourth column shows the monthly kilowatt hour
3 usage. And the fifth column shows how many
4 kilowatt-hours were used per day.

5 Q Did you calculate how many kilowatt-hours
6 per day?

7 A Yes, based off the monthly usage from the
8 actual meter readings on Exhibit 2.

9 Q Okay. And looking at Exhibit 3, it looks
10 like some of these line items are in bold. Can you
11 explain why you did that?

12 A Yes. Because this -- the time period
13 involved, which is from November 20th of 2014
14 through May 28th of 2015, the usage is much lower
15 than historical usage in the past for the same time
16 period.

17 If you look over to the side, I then
18 took all of the kilowatt-hours from November 20th of
19 2014 to May 28th of 2015, which is 5,381 divided it
20 by the total number of days from November 20th of
21 '14 through May 28th of '15, which is 189 days,
22 showing 28.47 kilowatt-hours were used per day.

1 JUDGE HILLIARD: That's the amount that was not
2 billed or the amount --

3 THE WITNESS: It was billed, your Honor, but it
4 was billed in the 3,603 kilowatt-hours.

5 JUDGE HILLIARD: But my question is, is this
6 28.47, is that per day previously not billed?

7 THE WITNESS: No, it was billed, but it wasn't
8 billed each individual month. It's all the usage
9 from November 20th through May 28th.

10 JUDGE HILLIARD: Right. So, is the 28.47
11 kilowatts per day. Was that first bill sometime
12 after 5-28-15?

13 THE WITNESS: I'm sorry. I don't understand
14 your question.

15 Can you ask me it again.

16 JUDGE HILLIARD: Had you billed the difference
17 between what she was billed and what the -- there's
18 a period of time from November 2014 to April of 2015
19 when the bills were, according to the Company, lower
20 than they should have been.

21 THE WITNESS: Yes.

22 JUDGE HILLIARD: All right. And then you

1 calculated the amount that was not billed during
2 that period, is that right?

3 THE WITNESS: What I did was, the amount that
4 was not billed during that period was billed in the
5 3,603 amount.

6 JUDGE HILLIARD: But it wasn't billed prior to
7 that time?

8 THE WITNESS: No.

9 JUDGE HILLIARD: All right. That's my question.

10 THE WITNESS: Yeah, what I did was --

11 MS. VELASQUEZ: Yeah, you put it together.

12 THE WITNESS: -- I simply added the
13 kilowatt-hours from November 20th of 2014 through
14 May 28th of 2015 I got 5,381 and I divided it by the
15 total number of days, which is 189.

16 JUDGE HILLIARD: But she had previously been
17 billed for a lower amount of --

18 THE WITNESS: Yes.

19 JUDGE HILLIARD: -- kilowatts per time period,
20 right?

21 THE WITNESS: Yes.

22 JUDGE HILLIARD: All right. So, this is an

1 additional charge for additional usage that was not
2 previously billed.

3 MS. VELASQUEZ: Correct.

4 THE WITNESS: In the 3603.

5 JUDGE HILLIARD: Yes.

6 THE WITNESS: Yes.

7 JUDGE HILLIARD: All right.

8 THE WITNESS: But my point was -- I'm sorry.

9 But my point was, when I take the
10 usage from November 20th of '14 to May 28th of '15
11 and I divide it by the 199 (sic) days, I'm looking
12 at 28.47 a day --

13 JUDGE HILLIARD: Right.

14 THE WITNESS: -- which is lower than the
15 historical usage for the previous year.

16 JUDGE HILLIARD: All right. But when you add
17 the 2847 to the usage -- for instance, from
18 December 22nd, 2014, to 1-27-15, it comes out to
19 about 35, 36 kilograms (sic) per day, is that right?

20 MR. GOLDSTEIN: Kilowatts.

21 THE WITNESS: No. It's 2847.

22 JUDGE HILLIARD: Plus 867.

1 THE WITNESS: This 867 is 8.67 a day, that's
2 what she was billed incorrectly.

3 JUDGE HILLIARD: That's what I said.

4 THE WITNESS: Okay.

5 JUDGE HILLIARD: 8.67 a day plus 28.47 is about
6 what she should have been billed for the period --

7 THE WITNESS: Yes.

8 JUDGE HILLIARD: -- in the preceding months.

9 THE WITNESS: Yes.

10 JUDGE HILLIARD: And for a period of six months
11 she was under-billed and then you calculated what
12 the actual bill should have been, is that right?

13 THE WITNESS: Yeah, let me step back.

14 No, the 28.47 is not adding the 8.41
15 in. This is just what the monthly usage comes out
16 over the billing cycle.

17 What I did was, I took the total
18 kilowatt-hours from November 20th to May 28th and
19 divided it by the number of days. So, that has
20 nothing to do with this daily kilowatt hour usage.

21 JUDGE HILLIARD: All right. So, is her average
22 usage for that period a total of 28.- --

1 THE WITNESS: Yes.

2 JUDGE HILLIARD: -- 47?

3 THE WITNESS: Yes.

4 JUDGE HILLIARD: All right.

5 THE WITNESS: It's not an additional 8 added to
6 it.

7 JUDGE HILLIARD: All right. Fine.

8 MS. GRAHAM: Q In your position as Senior
9 Business Analyst, are you familiar with Part 280 --

10 A Yes.

11 Q -- of the Illinois Administrative Code?

12 A Yes.

13 Q Can ComEd back-bill, pursuant to Part 280,
14 a customer for previously unbilled usage?

15 A Yes. A residential customer can be billed
16 up to 12 months.

17 Q And is that what happened here?

18 A This was five months, so, yes.

19 Q Okay. So, to be clear, is it true that she
20 was -- Ms. Velasquez was under-billed for a period
21 of five months and then ComEd noticed that there was
22 an error and corrected her bill, pursuant to

1 Part 280?

2 A Yes.

3 Q Okay. Was Ms. Velasquez offered a special
4 payment arrangement for the previously unbilled
5 usage?

6 A Yes.

7 Q Did ComEd offer to waive Ms. Velasquez'
8 late fees?

9 A I don't know.

10 Q Okay.

11 A I don't know if they offered or not.

12 Q Did Ms. Velasquez accept this special
13 payment arrangement?

14 JUDGE HILLIARD: Your attempts to settle this
15 really aren't relevant to her complaint. You know,
16 I understand that you would have made settlement
17 agreements. I know you talked before today. And I
18 know that typically when you make these
19 arrangements, you try to minimize the pain of the
20 back-billing.

21 MS. VELASQUEZ: The issue --

22 MS. GRAHAM: Judge, the reason that I asked

1 those questions is because pursuant to Part 280.100
2 the Company is supposed to offer a special payment
3 arrangement at this stage.

4 JUDGE HILLIARD: Okay. And you're supposed to
5 allow them as much time to make up the overage as it
6 took the Company to create the underage.

7 MS. GRAHAM: Yes. Yes.

8 THE WITNESS: Yes. We were offering up to 24
9 months.

10 JUDGE HILLIARD: All right. Fine.

11 MS. VELASQUEZ: I never heard of that.

12 MS. GRAHAM: Q Okay. Can ComEd put a customer
13 on a special payment arrangement without their
14 consent?

15 A No.

16 Q Okay. Based on your review of the
17 customer's account, based on your review of these
18 three documents, ComEd Exhibit 1, 2 and 3, was the
19 back-billing here proper and in accordance with
20 Part 280?

21 A Yes.

22 Q Okay. Does that conclude your testimony?

1 A Yes.

2 JUDGE HILLIARD: Okay. Now, you can ask the
3 lady questions.

4 CROSS-EXAMINATION

5 BY

6 MS. VELASQUEZ:

7 Q I would like to know, what's the reason why
8 the shortage was there?

9 A Because the meter readings were incorrect
10 from November 20th through April 25th.

11 Q Okay. Why?

12 A I can't speak to that.

13 JUDGE HILLIARD: ComEd made a mistake, right?

14 THE WITNESS: Yeah -- well, yes. The readings
15 were incorrect. There was a mistake made, most
16 certainly.

17 MS. VELASQUEZ: Q Well, why, do you know?

18 A I can't speak to why the error occurred. I
19 can speak to how the account billed.

20 Q Okay. I was told that the meter reader was
21 incorrectly working at these meter readers (sic)
22 every two months. They don't read every month. So,

1 you calculate the two months.

2 A Okay. Ms. Velasquez, looking at the
3 exhibits before you, your meter is read every month.
4 It's not every two months.

5 Q Oh. I'm surprised that you say that.

6 A Well, look at the exhibits.

7 Q No. No. How do you say, Look at the
8 exhibits --

9 A Because that's where they are.

10 Q Yeah, but they don't come by every month.
11 They come every two months.

12 A I'm showing they were there every month on
13 these dates (indicating).

14 MS. GRAHAM: How can you tell from looking at
15 that document that they were there?

16 THE WITNESS: Because it shows the regular
17 company reading was given. If it says an estimate
18 reading, that means we did not read it. And a work
19 reading means that a technician was at the premise.

20 JUDGE HILLIARD: Okay. So, what she's saying is
21 that the records show that they were reading the
22 meter every month during the period in question.

1 MS. VELASQUEZ: And I say no.

2 JUDGE HILLIARD: All right. You disagree.

3 That's okay.

4 MS. VELASQUEZ: Absolutely.

5 JUDGE HILLIARD: All right. So, now ask her

6 another question. You've made your point.

7 MS. VELASQUEZ: Q Again, you don't know why I

8 had the shortage from this month to -- is that what

9 you're saying?

10 A No, I'm saying the reason that you had the

11 shortage is because --

12 Q Is because you fixed it.

13 A The reason that your meter readings were

14 lower is because the readings were inaccurate.

15 Q Why?

16 JUDGE HILLIARD: She said she doesn't know why.

17 MS. VELASQUEZ: Okay.

18 JUDGE HILLIARD: So, now, ask another question.

19 MS. VELASQUEZ: Q And then you try to correct

20 it by doing the \$448.

21 A The actual reading obtained on May 28th was

22 an accurate reading which caused the bill --

1 Q You made the reading or did --

2 A No, I didn't personally make the reading.

3 Q You made the calculations of it.

4 A No, a meter reader made the reading on

5 May 28th.

6 Q Okay. That meter reader did never come and

7 talk to me about the meter.

8 A Okay.

9 JUDGE HILLIARD: Nobody is contesting that.

10 MS. VELASQUEZ: Okay. Well, I'm just saying

11 that those five months it was short and that's what

12 I got and that's what I paid and then all of a

13 sudden it comes out to like close to \$500.

14 And, you know, I am on a budget. And

15 I don't take this very well. Because it's -- it's

16 not about money, it's the principle of what this

17 ComEd is --

18 JUDGE HILLIARD: Okay. Do you have any more

19 questions for this lady?

20 MS. VELASQUEZ: No. No.

21 JUDGE HILLIARD: All right. Do you have any

22 more direct questions for her?

1 MS. GRAHAM: No.

2 JUDGE HILLIARD: All right. You're excused,
3 ma'am.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 JUDGE HILLIARD: Do you have any more witnesses?

7 MS. GRAHAM: No, we have --

8 MR. GOLDSTEIN: I don't believe so.

9 MS. GRAHAM: We have no more witnesses, but we
10 would like to move Exhibits 1, 2 and 3 into
11 evidence.

12 JUDGE HILLIARD: And you want your exhibits in
13 the record, too, right?

14 MS. VELASQUEZ: Sure.

15 JUDGE HILLIARD: All right. We're going to make
16 copies of your two exhibits.

17 We're going to make copies.

18 (Short recess.)

19 JUDGE HILLIARD: The Company operates pursuant
20 to regulations that are approved by the Commerce
21 Commission. You and I may not agree with some of
22 the regulations that are approved by the Commerce

1 Commission.

2 One of the regulations is that if the
3 Company makes a mistake and it's in your favor, they
4 can't go back more than two years -- you can't go
5 back more than two years to get --

6 MS. VELASQUEZ: What happened?

7 JUDGE HILLIARD: Okay. I didn't say that right.

8 MS. VELASQUEZ: We'll try again.

9 JUDGE HILLIARD: If the Company makes a mistake
10 that's in your favor and they wait more than two
11 years, they can't go back and say, You owe us money.

12 If they make a mistake and it's --
13 they under-bill you a long time ago and they can't
14 come back and say you owe them more money. But if
15 they catch it within a year, they can collect their
16 money.

17 And that's what happened in this case.
18 They made a mistake. They under-billed you and then
19 they found out they made a mistake and then they
20 gave you a bill where they caught up to what your
21 bill should have been. That's the way I read these
22 documents. They show that prior to this time your

1 usage was higher than it was during that period from
2 November/December until April.

3 Before November your usage was higher,
4 after May your usage was higher. So, for this
5 period of time they under-billed you, and as long as
6 they catch that within a year, they can go back and
7 bill you for the amount of money that they didn't
8 bill you for before. Okay?

9 MS. VELASQUEZ: Uh-huh.

10 JUDGE HILLIARD: That's what happened here.

11 And what they did here is, they acted
12 within that one-year period. All right. When they
13 do that, they have to give you just as long to make
14 up what they say you owe them as it took for the
15 overage to accumulate.

16 So, in this case, the overage occurred
17 over a five- or six-month period. So, technically,
18 they have to give five or six months to pay it off.

19 Now, I understand that what they've
20 done is they've offered you up to two years to pay
21 it off and that they'll take off all these late
22 charges that they've charged you.

1 MS. VELASQUEZ: Uh-huh.

2 I was never told that.

3 JUDGE HILLIARD: All right. Okay. I think that
4 if I were to leave the room and they were to -- you
5 were to ask them that, they would tell you that.

6 MS. VELASQUEZ: Uh-huh.

7 JUDGE HILLIARD: And in this case -- as much as
8 people don't like to pay for a bill they didn't get
9 on time, the Company has the power to demand that
10 you pay that. And things don't get better when you
11 don't pay them. There's late charges. There's all
12 sorts of nasty things that happen.

13 So, what I would recommend you do here
14 is -- you have to understand that if it's up to me,
15 I'm going to have to find that what the Company did
16 was within the regulations. And then you're going
17 to end up owing them the money that they told you
18 that you owe them. And under the rules they're
19 entitled to charge you late charges and things like
20 that.

21 If you don't want that to happen, you
22 should negotiate with them for a payment plan, where

1 over a period of time you make up the money that
2 they say you owe them. I know that's not pleasant.
3 I know it's not something that I would want to do,
4 but that is a good option in this case. Okay?

5 MS. VELASQUEZ: Okay.

6 JUDGE HILLIARD: All right. So, I'm going to
7 take -- you're done, right?

8 MS. GRAHAM: Yes.

9 JUDGE HILLIARD: Do you have any more things you
10 want to tell us?

11 MS. VELASQUEZ: Yeah.

12 JUDGE HILLIARD: Any more things you want to
13 say?

14 MS. VELASQUEZ: Yes.

15 JUDGE HILLIARD: Okay. Go ahead.

16 MS. VELASQUEZ: If they're willing to negotiate
17 half of what they charged me, I would be pleased.

18 JUDGE HILLIARD: All right. I can't tell you
19 what terms they're going to negotiate. All right?

20 MS. VELASQUEZ: Okay.

21 JUDGE HILLIARD: All right. They don't want to
22 negotiate on the record.

1 MS. VELASQUEZ: Okay.

2 JUDGE HILLIARD: So, my question is, having
3 heard what their witness has to say, do you have
4 anything else that you would like to say in
5 response?

6 MS. VELASQUEZ: It's none of my business where
7 Channel 7 is investigating this company.

8 JUDGE HILLIARD: All right. So, we're going to
9 mark the record heard and taken. Okay. And I'm
10 done here for today.

11 MS. VELASQUEZ: Okay.

12 JUDGE HILLIARD: So, I'm going to take your
13 exhibits -- no, you stay on the record.

14 I'm going to take the exhibits and I'm
15 going to send them to the Clerk in Springfield. And
16 they're going to give me copies of their exhibits
17 and they're going to go to Springfield. And it will
18 take a couple of weeks for the transcript to get
19 back --

20 MS. VELASQUEZ: To you.

21 JUDGE HILLIARD: What you should do is going to
22 be -- the evidence and the rules are on their side.

1 So, you should negotiate with them and get the best
2 deal you can get. Okay?

3 MS. VELASQUEZ: Okay.

4 JUDGE HILLIARD: All right. That's what I --

5 MS. VELASQUEZ: Who do I negotiate with?

6 JUDGE HILLIARD: They're --

7 MR. GOLDSTEIN: Right here. Right now.

8 JUDGE HILLIARD: You negotiate with these two
9 people. And then they will let me know if you've
10 made an arrangement. And they will give you papers
11 that you need to sign and that will be the end of
12 it.

13 MS. VELASQUEZ: Okay.

14 JUDGE HILLIARD: Thank you for coming in.

15 MS. VELASQUEZ: Thank you.

16 MS. GRAHAM: Thank you, Judge.

17 HEARD AND TAKEN
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